



2018 Lawyer Referral Service Application

Dear Panelist:

Thank you for your interest in the Onondaga County Bar Association's Lawyer Referral Service (LRS).

I would like to take this opportunity to express the appreciation of the OCBA Lawyer Referral Service Standing Committee to those panelists continuing with the Service, and to give a special welcome to those panelists participating for the first time. It is hoped that the coming year will be prosperous for your practice and that the Lawyer Referral Service will be a part of that success. I would like to thank the panelists for the public service that is provided on a daily basis in dealing with the needs of potential clients calling the Service.

The LRS Committee continues to make improvements to the Service. **Please be sure to carefully read the rules and regulations** contained in this packet. Our staff helps determine which area of the law to refer a client, and also whether they are ready to hire an attorney. **The \$100 LRS panelist fee will allow the panelist to choose up to 5 major categories. Additional categories, up to 3 more, can be added for a \$50 fee. For your information, 10% of total fees from all referred cases are to be remitted to the OCBA Lawyer Referral Service immediately after payment is received by the attorney.**

In order to process your application quickly and efficiently, please be sure to submit a:

- a) Completed 2018 LRS Enrollment form
- b) Lawyer Referral Category checklist
- c) Signed Attorney Affirmation
- d) Photocopy of your current Malpractice Insurance Policy. No referrals can be made if a copy of a current liability policy is not on file with the Lawyer Referral Service.

If you have any questions, please call Jeff Unaitis, Executive Director, at 471-2667. We look forward to your participation and to a successful and prosperous 2017!

Sincerely,

Stuart J. LaRose, Esq., Chairman
Lawyer Referral Service Committee

Enclosure

OBJECTIVES

The purposes and objectives of the Service are to:

- a. serve the public by providing a coordinated lawyer referral system in Onondaga County;
- b. provide a means by which any person wishing to hire an attorney may be referred to a lawyer who is able to render needed services in specific areas of practice;
- c. provide information about lawyers and availability of legal services through advertising; and
- d. provide information to the public about the services of legal aid societies, legal service programs, and public interest law organizations available in Onondaga County and surrounding areas.

TERMS AND CONDITIONS OF THE OCBA LAWYER REFERRAL SERVICE

RULES AND REGULATIONS:

Panelists must:

- a. be admitted to practice in New York State;
- b. pay the annual participation fee for the Lawyer Referral Service Panel Membership:
\$100 OCBA member fee for 5 or fewer major categories*, or
\$150 for up to 8 categories, or
\$275 OCBA **non-member** fee for 5 or fewer categories; add \$50 for 3 additional categories;
* Sub-categories are not added to the total and are selected according to panelist compliance to professional competency;
- c. maintain the requisite professional liability insurance certified by documentation;
- d. complete and return the Lawyer Referral Service application for the year, together with the checklist of appropriate areas of interest to receive referrals. **(No referrals can be made until this information is received and entered into the LRS database.)**;
- e. maintain an office in Onondaga County or adjoining county and provide an accurate phone number and e-mail address;
- f. attend an orientation session in February 2017. ***(All new panelists and those who were not active in 2016 need to attend.)***;
- g. agree to charge for services in accordance with the attorney's normal fees and in keeping with the objectives of LRS and the client's ability to pay. Each panelist must further agree that s/he will not increase his/her fees to compensate for the 10% referral fee submitted to LRS.

THE COMMITTEE

The OCBA Standing Committee on Lawyer Referral Service shall be charged with the operation and administration of the Service. The Committee is comprised of interested members of the Onondaga County Bar Association with a chairperson approved annually by the Association's Board of Directors.

MEETING LOCATION: ONONDAGA COUNTY BAR ASSOCIATION
431 E. Fayette St.
Syracuse, NY 13202-1919

DATES: Second Monday of each month

TIME: Noon

THE SERVICE

The Lawyer Referral Service will be operated from the Onondaga County Bar Association, utilizing members of the OCBA staff, under the general supervision of the Committee. Callers who contact the Service will be interviewed by a trained staff member. As appropriate, the Service shall cooperate with and assist the State Bar Association and other local lawyer referral services, as well as local legal service providers, the Assigned Counsel Program, and governmental agencies.

The Service is being operated in accordance with our accreditation by the American Bar Association's model rules for LRS standards and practices.

REFERRAL PROCEDURES AND REPORTS

- a. Callers to the LRS wishing to speak with an attorney will be required to provide sufficient information about the legal issue at hand to determine if they should be referred to:
 - (1) an LRS attorney,
 - (2) one of the Talk-to-a-Lawyer sites,
 - (3) Hiscock Legal Aid or Legal Services of Mid-New York,
 - (4) a government agency;
- b. Procedures will be maintained to ensure that each referral is made in a fair and impartial manner to all panel members. Referrals will be made on a rotating basis to the next available attorney for the category requested unless the client has objections, for instance, preference for a location of attorney's office;
- c. Prospective clients will be provided with the name of the attorney, together with the attorney's telephone number. LRS will send an e-mail to the attorney whom the referral was made about the referral.
- d. The panelist must waive any fee for the initial consultation. This does not include substantive work such as filing forms, letters, etc. Any arrangements for a retainer are made between the prospective client referred and the attorney;

- e. Arrangement for a consultation and retainer of legal services shall be left to the panel member attorney at his/her discretion for the particular case;
- f. The LRS will mail and/or e-mail referral status reports **every month** to the attorney containing all referrals made but not yet closed. **Payment of the referral fees are due at the time the case is closed. The status report is to be completed by the attorney's office and returned to the LRS office within 7 days of receipt;**

Nothing in this process will require any attorney to violate the attorney/client privilege.

ADDITIONAL PANELS

The Committee may establish such separate panels and sub-panels, including reduced-fee and no-fee panels, as it decides are appropriate and consistent with the focuses, objectives, and interests of the panel members, community needs, and the Lawyer Referral Service.

RECORDS AND REVIEW

The Service will keep on file a confidential record of all referrals and reports of participating panel attorneys for a reasonable time after entry into its Associate Tracking Program. The information will be subject to examination and inspection by the Committee and Board of Directors of the Onondaga County Bar Association.

PUBLICITY

The Service will be publicized in such a manner and to such an extent as will fulfill purposes and objectives consistent with the Code of Professional Responsibility. The LRS website offers e-mail referral access and helpful Internet links as well. Brochures and business cards are made available in Court and other areas of public places.

No attorney shall be permitted to use the Lawyer Referral name or logo without prior consent from the OCBA Lawyer Referral Service Committee and Board of Directors.

PANEL MEMBERSHIP DENIAL, SUSPENSION, OR REMOVAL

The Onondaga County Bar Association Lawyer Referral Service believes that it is important for legal professionals to make legal counsel available to all members of the public. To be effective, OCBA LRS panelist membership may be sought by an attorney practicing in Onondaga County, who is admitted to practice in the State of New York, who is in good standing with the Onondaga County Bar Association, and who agrees to abide by the rules of membership of the Lawyer Referral Service as certified by the American Bar Association.

The chairperson and the Lawyer Referral Service Committee shall have the authority to review the character, competency, and fitness of each member and applicant and to deny initial or continued membership on the Lawyer Referral Panel. The chairperson may also remove or suspend any panel member for any reason, not limited to the parameters set forth which the Chairman and the Committee deem appropriate.

- A. An applicant will be denied participation in the Lawyer Referral Service and **WILL BE AUTOMATICALLY** suspended or removed from active enrollment under the following circumstances:
1. Suspension or disbarment from the practice of Law by an Appellate Division of the State of New York Supreme Court or disciplinary body of another state;
 2. Conviction of a felony or misdemeanor in any jurisdiction, or the conviction of any charge under the applicable Penal Code in any jurisdiction involving, but not limited to, moral turpitude, theft, embezzlement, or fraudulent appropriation of property;
 3. Failure to maintain professional liability insurance or the failure to provide the Lawyer Referral Service proof of such liability coverage;
 4. Failure to pay the Lawyer Referral Service annual membership fee.
- B. An applicant may be denied participation in the Lawyer Referral Service and **MAY** be temporarily suspended or removed from active enrollment under the following circumstances:
1. Repeated rejections of referrals without good cause;
 2. Institution of criminal charges against the attorney involving moral turpitude, theft, embezzlement, or fraudulent appropriation of property;
 3. Submission of an application, report or furnishing information by the attorney to the Lawyer Referral Service which is false in any material respect;
 4. Failure to cooperate with the Committee in the investigation and resolution of a client complaint;
 5. Imposition of disciplinary action by an Appellate Division of the State of New York Supreme Court or disciplinary body of another state for violation of applicable rules governing professional conduct;
 6. Engaging in conduct harmful to the objectives, reputation, or interests of the Lawyer Referral Service or the profession;
 7. Repeated client complaints regarding the member's conduct or the member's support staff's conduct toward the referred clientele;
 - 8. Failure to submit or file timely reports and summaries required by the Lawyer Referral Service;**
 - 9. Failure to timely pay the percentage fees due the Lawyer Referral Service;**
 10. Failure to otherwise comply with the Rules and Requirements of the Lawyer Referral Service or other good cause as determined by the Committee.

The Lawyer Referral Service Committee shall be empowered to temporarily suspend or remove a participating panel attorney for a violation enumerated under Subdivision B of this section, and notification of such action and the applicable violation is provided to the attorney in writing within three days of the suspension. For purposes of this section, notice shall be transmitted by (1) E-mail or (2) Regular mail if e-mail address is not available.

The participating attorney shall have the opportunity to respond to the Committee, in writing, within fifteen days of the receipt of the Notice from the Committee and to present argument at a regularly scheduled meeting or special meeting of the Committee.

The temporary suspension shall remain in effect until, where applicable, the disposition of the charges by the lawful authorities or until the next regularly scheduled or special meeting of the Committee at which the matter is considered, following which a decision shall be made within thirty days whether to reinstate or remove the subject attorney. A temporary suspension will never exceed ninety days without a final decision being rendered by the Committee.

The participating attorney may appeal any determination rendered by the Committee to the Executive

OCBA LRS SUBJECT MATTER PANEL CRITERIA - SELF CERTIFIED



Criminal – Felony

- a. Having tried one felony case to verdict as chief trial counsel within three years, *or*
- b. Having tried two misdemeanor cases to verdict as chief trial counsel within three years, *or*
- c. Having assisted an experienced trial attorney in one felony trial to verdict and having handled three felony cases in the past three years, *or*
- d. Having qualified for the OCBA Assigned Counsel Felony Panel.

Divorce

Having handled two contested divorces to judgment within the past three years;

Negligence and Personal Injury

Having handled two civil cases to settlement or judgment within the past three years;

Medical Malpractice

Having fully prepared for trial, including discovery, or tried to jury verdict at least five personal injury cases, including two medical malpractice cases, in the last five years;

Estates

Having actively participated in two or more estates in the past three years;

Patents

Must be admitted to the Patent Bar.

Bankruptcy

Must have successfully completed two local bankruptcies within the past two years.